

EXHIBIT D

MACCANI,)
Plaintiff,)
)
vs.)
)
CITY OF L.A.,)
)
Defendant.)
_____)

Transcription of tape-recorded interview of
Police Officer II Michael Orozco by Detective Illig,
Detective Valdovinos, and Detective Farish

Transcribed by:
Kristine Cardona

Job Number:
TP12471E

1 OFFICER OROZCO: So we're -- PR advised "He's on the
2 fourth floor inside my unit." At which point we stop at the
3 third floor. I assume the position of point because
4 everyone seemed to already have a job, so I assumed the
5 position of taking point because of the staircase leading up
6 to the fourth floor. And I -- over -- I'm looking towards
7 the staircase to make sure no suspects come towards us with
8 the stick, per the comments of the call.

9 So I overheard, um, the PR advised the primary unit
10 that the suspect is inside. He's not allowed to be there,
11 he doesn't know who he is, um, and he just wants him out.
12 He advised he can -- my sarge came -- my sergeant came,
13 asked if he wanted, um, a PPA signed. The PR stated "Yes."
14 I'm not sure who he advised to get the -- who my sergeant
15 advised to get the PPA signed. He -- he designated a unit
16 for that.

17 This is all overheard, because I was keeping contact
18 with the -- the staircase and the -- and the door.

19 I then overheard my sergeant give commands as to who
20 had what job. I already assumed the position of lethal, so
21 I overheard him say I'll be lethal. And he started giving,
22 um, jobs -- my sergeant started giving jobs pertaining to
23 the -- other officers, that being, um, less lethal, arrest
24 team, and -- and so forth.

25 And, um, there was an officer who came to my side. I

1 don't know who it was. He advised, "Since you're up here by
2 yourself, I have less lethal, so you'll be lethal, I'll be
3 -- I'll be your -- your less lethal."

4 At which point we formulated a plan. "Hey, we're going
5 to go up, we're going to attempt to contact the suspect,
6 take him into custody."

7 So we start walking up towards the door. I am
8 unholstered at this point. And, um, we open the door -- the
9 door that's already ajar to the fourth floor, and, um, the
10 first thing I observe is a long hallway with multiple doors
11 on the side. I advise that to my -- the other officers.

12 I observed a -- an offset wall between, um, the
13 entrance and the hallway. So I took that opportunity to
14 take that as cover. I advised them what we had.

15 We collectively made the decision to continue eastbound
16 down the hallway, um, towards the door, since it was at the
17 far end to the right, um, per the statements of the PR. We
18 continue to walk eastbound down the hallway, um, you know,
19 in search of the suspect.

20 We then arrive at the very end of the -- the hallway,
21 and on the south side, I observed an open door, and -- with
22 the numbers right above it, 402, indicating that that's the
23 PR's residence, and that's where he said he saw the last --
24 the -- that's what he said, um, where he last saw the
25 suspect, inside his residence.

1 close to his body, to me indicating a fighting position. He
2 then charges towards -- well, he walks towards officers, um,
3 disobeying our commands.

4 And I hear two less lethal rounds being fired at him,
5 and I observed two, um, bean bag rounds strike the suspect.
6 And then I observed and, um, heard a third less lethal round
7 strike the suspect as well, all in center mass.

8 At the time I identified that third as the -- the bean
9 bag -- the -- the 40mm, just because it's blue. He was
10 wearing a white shirt; it was easy to see.

11 I then observed my sergeant, um, approach the suspect,
12 grab him, and pin him up towards the wall. And then he was
13 then subsequently taken down to the ground. I'm not sure if
14 he was forcibly taken down or he fell. I just then observed
15 him on the ground, and then he was taken into custody.

16 During that time, I overheard an officer state "Did you
17 fire lethal?" Another officer replied, "Yes." And I -- at
18 that point our understanding was he was shot in the arm.

19 I asked officers again where he was shot, in order to
20 possibly administer a tourniquet, which I do carry. They
21 advised "No," so I -- I deemed it unnecessary at this point,
22 just per our training. They lay him down on his recovery
23 side, in his recovery position, as we were taught to do so.
24 I then observed him -- all in -- while he's already in
25 handcuffs, um, arrested.

1 If -- just before you went up the stairs.

2 OFFICER OROZCO: Yeah --

3 DETECTIVE ILLIG: You kept looking up the stairs?

4 OFFICER OROZCO: Yes.

5 DETECTIVE ILLIG: That's --

6 OFFICER OROZCO: Because that's where my threat was.

7 DETECTIVE ILLIG: Okay. All right. Um --

8 DETECTIVE FARISH: And just to clarify, I think we can
9 agree that would be northbound, because he's looking up the
10 stairs?

11 DETECTIVE ILLIG: All right. Yeah. Yes. You
12 mentioned that there was -- as you moved from the stairs
13 down the hallway towards the ultimate 402, the location,
14 that there was an offset.

15 OFFICER OROZCO: Yeah.

16 DETECTIVE ILLIG: And can you describe what that offset
17 provided you with?

18 OFFICER OROZCO: It provided me cover because it -- it
19 was a -- a part of the hallway where I could take, um --
20 take cover behind, as well as concealment. To where I can
21 still see the suspect, but in case the suspect came out with
22 a -- a firearm, I would be able to have successful cover
23 behind.

24 DETECTIVE ILLIG: Okay. When the officer gave the
25 commands for the suspect to come out of the location, what

1 was the position of your firearm at that time?

2 OFFICER OROZCO: Low ready.

3 DETECTIVE ILLIG: Low ready. Was your finger on the
4 trigger at any point -- at that point?

5 OFFICER OROZCO: No.

6 DETECTIVE ILLIG: No. Okay. And you said when the
7 suspect came out, he clenched his fists?

8 OFFICER OROZCO: No, at this time he's walking out. I
9 gave him commands to put his hands up.

10 DETECTIVE ILLIG: Okay. And did he -- did he comply
11 with that?

12 OFFICER OROZCO: Yes.

13 DETECTIVE ILLIG: Was --

14 OFFICER OROZCO: At that time.

15 DETECTIVE ILLIG: Was there anything in his hands when
16 you told him to put his hands up that you noticed?

17 OFFICER OROZCO: I did not. His fingers were spread.

18 DETECTIVE ILLIG: Spread.

19 OFFICER OROZCO: So I --

20 DETECTIVE ILLIG: So there was nothing --

21 OFFICER OROZCO: I did a quick scan. Fingers open,
22 palms facing away, I figured there was nothing in his hand.

23 DETECTIVE ILLIG: Okay. And then -- at that point, did
24 you take over commands?

25 OFFICER OROZCO: Yes.

1 position, um, as he proceeded to walk slowly towards
2 officers.

3 DETECTIVE ILLIG: Okay. As he's walking slowly towards
4 officers, with his hands clenched, closer to -- and how --
5 at what level was he holding his hands?

6 OFFICER OROZCO: At his chest.

7 DETECTIVE ILLIG: At his chest. Was there anything in
8 his hands at that time that you observed?

9 OFFICER OROZCO: Not that I observed.

10 DETECTIVE ILLIG: Okay. So he's walking slowly towards
11 officers. What, um -- did you give him any commands at that
12 point?

13 OFFICER OROZCO: I don't remember if I did.

14 DETECTIVE ILLIG: Okay. If you would have given
15 commands, would it have been captured on your body-worn
16 video?

17 OFFICER OROZCO: If I did, yes.

18 DETECTIVE ILLIG: Okay. All right. So he walk -- is
19 walking slowly towards officers. Is that -- can you -- can
20 you paint -- let me back up. Can you paint a verbal picture
21 for me how he's walking towards officers? And what did that
22 make you think?

23 OFFICER OROZCO: So he has his hands clenched close to
24 his chest, indicating a fighting position. He's walking
25 towards officers, one foot after the other, after we advised

1 - your --

2 OFFICER OROZCO: In his abdomen area.

3 DETECTIVE ILLIG: Abdomen area.

4 OFFICER OROZCO: Yeah.

5 DETECTIVE ILLIG: Okay, so you saw two rounds being --
6 two bean bag rounds.

7 OFFICER OROZCO: Yes.

8 DETECTIVE ILLIG: Okay. Did that stop the suspect?

9 OFFICER OROZCO: No.

10 DETECTIVE ILLIG: Okay.

11 DETECTIVE ILLIG: What did the suspect do in response
12 to those two bean bag socks striking him?

13 OFFICER OROZCO: Nothing. Continued to walk forward.

14 DETECTIVE ILLIG: Okay.

15 OFFICER OROZCO: Still indicating in the same position,
16 hands clenched.

17 DETECTIVE ILLIG: Okay. At some point was an
18 additional type of less lethal deployed?

19 OFFICER OROZCO: Yes.

20 DETECTIVE ILLIG: And what was that? Describe what you
21 saw and observed.

22 OFFICER OROZCO: The 40mm round, um, struck the
23 suspect. I did not see the 40mm weapon. I just saw the
24 round strike the suspect.

25 DETECTIVE ILLIG: And can you describe how you saw the

1 round strike the suspect?

2 OFFICER OROZCO: The suspect was wearing a white shirt.
3 The 40mm less lethal round is blue, so when it struck the
4 suspect, I observed the blue 40mm round and it bounced off
5 the suspect.

6 DETECTIVE ILLIG: Where did the blue 40mm strike the
7 suspect on?

8 OFFICER OROZCO: In his abdomen, center mass.

9 DETECTIVE ILLIG: Okay. In his abdomen, center mass.
10 Do you know what portion of the abdomen?

11 OFFICER OROZCO: No.

12 DETECTIVE ILLIG: No. Okay. And what was the
13 suspect's response to being struck with the 40mm in the
14 abdomen?

15 OFFICER OROZCO: Nothing. He continued to walk
16 forward.

17 DETECTIVE ILLIG: Okay. At some point, did the suspect
18 do anything else besides walk forward?

19 OFFICER OROZCO: No.

20 DETECTIVE ILLIG: No. Okay. At any point did the
21 suspect have anything in his hands that you became aware of?

22 OFFICER OROZCO: No.

23 DETECTIVE ILLIG: Okay. At any point while the suspect
24 was moving towards the officers and the less lethal was
25 being deployed, did you at any time come up on target with

1 your pistol?

2 OFFICER OROZCO: No.

3 DETECTIVE ILLIG: Okay. Any point did your finger go
4 on the trigger?

5 OFFICER OROZCO: No.

6 DETECTIVE ILLIG: Okay. At any point while the suspect
7 is moving towards the officers as the less lethal is being
8 fired, did you give any specific commands to the suspect
9 that you recall?

10 OFFICER OROZCO: No.

11 DETECTIVE ILLIG: Okay. No, you don't recall, or you
12 didn't give any kind of --

13 OFFICER OROZCO: I don't recall.

14 DETECTIVE ILLIG: You don't recall. Okay. At some
15 point, did the -- did you observe -- was there contact made
16 between the suspect and the officers?

17 OFFICER OROZCO: Yes.

18 DETECTIVE ILLIG: Can you describe in a verbal picture
19 for me what occurred, and what you observed?

20 OFFICER OROZCO: I observed my sergeant come come from
21 behind, and, um, sort of bear-hugged the suspect and pinned
22 him up against the -- the south wall.

23 DETECTIVE ILLIG: Okay. When your sergeant came up
24 behind and bear-hugged the suspect, what side of the hallway
25 was the sergeant on? So the -- just to -- for orientation

1 DETECTIVE ILLIG: And at what time was that and how did
2 that come about?

3 OFFICER OROZCO: That was after he was taken into
4 custody. That's -- I'm -- not taken into custody. That was
5 after he was placed on the ground and officers were
6 surrounding him, attempting to take him into custody, and I
7 overheard one officer ask another officer, "Did you shoot?"
8 That officer responded "Yes."

9 DETECTIVE ILLIG: Okay. And do you know who those
10 officers were with the names, who did that exchange of
11 information?

12 OFFICER OROZCO: No.

13 DETECTIVE ILLIG: Okay. You just don't know their
14 names?

15 OFFICER OROZCO: Don't know their names.

16 DETECTIVE ILLIG: Okay. At what point did you holster?

17 OFFICER OROZCO: When I observed my sergeant, um, go in
18 line of my fire, I decided to holster.

19 DETECTIVE ILLIG: Can you describe when that was? When
20 did the --

21 OFFICER OROZCO: When he grabbed the suspect and pinned
22 him up against the wall. To avoid crossfire, I holstered.

23 DETECTIVE ILLIG: Okay. Where were you in relation to
24 the sergeant and the suspect?

25 OFFICER OROZCO: I was still facing eastbound.

1 DETECTIVE ILLIG: Okay. And ultimately you would end
2 up where?

3 OFFICER OROZCO: At the very end of the hallway again.

4 DETECTIVE ILLIG: Which leads to?

5 OFFICER OROZCO: Downstairs. Outside of the building.

6 DETECTIVE ILLIG: To the stairs?

7 OFFICER OROZCO: Yeah.

8 DETECTIVE ILLIG: All right. Okay. At any point did
9 your muzzle, um, flag the -- the suspect or the sergeant, or
10 any officers that you're aware of?

11 OFFICER OROZCO: I don't recall, because I was at a low
12 ready.

13 DETECTIVE ILLIG: Okay. So you had your weapon in a
14 low ready?

15 OFFICER OROZCO: Yes.

16 DETECTIVE ILLIG: Okay. Are you aware -- specifically
17 aware of your muzzle flagging anybody?

18 OFFICER OROZCO: No.

19 DETECTIVE ILLIG: Okay. And so you holstered when the
20 sergeant grabbed ahold of the suspect?

21 OFFICER OROZCO: Yes. To avoid crossfire.

22 DETECTIVE ILLIG: To avoid crossfire. Did you
23 unholster at any time after that?

24 OFFICER OROZCO: No. No, I stayed holstered.

25 DETECTIVE ILLIG: Okay. Now we're getting into the --

1 you broad -- did -- did -- who broadcast the RA request?

2 OFFICER OROZCO: I did.

3 DETECTIVE ILLIG: Okay. And then in the video, you --
4 we saw, and you mentioned, that there was some medical
5 assessment that was occurring.

6 OFFICER OROZCO: Yes.

7 DETECTIVE ILLIG: What type of training, if any, have
8 you had?

9 OFFICER OROZCO: Just whatever I was taught in the
10 academy.

11 DETECTIVE ILLIG: Okay. And prior to starting your
12 medical assessment, did you do anything to safe guard
13 yourself?

14 OFFICER OROZCO: PPAs.

15 DETECTIVE ILLIG: Okay.

16 OFFICER OROZCO: Protective, um, equipment, but --
17 gloves.

18 DETECTIVE ILLIG: You put your gloves on?

19 OFFICER OROZCO: Yeah.

20 DETECTIVE ILLIG: Okay. And then what -- what did you
21 do in order to determine that, as you stated, you didn't --
22 you felt no pulse.

23 OFFICER OROZCO: Using a two finger, um, grip, I guess,
24 I placed it on his carotid artery, um, near his neck, and I
25 did not feel a pulse.

1 OFFICER OROZCO: Yes.

2 DETECTIVE ILLIG: Yes?

3 OFFICER OROZCO: Yes.

4 DETECTIVE ILLIG: Okay. And when this sergeant asked
5 you the public safety statement questions, where did he ask
6 you those questions?

7 OFFICER OROZCO: Approximately five feet north -- five
8 to ten feet north of the apartment, 402.

9 DETECTIVE ILLIG: Okay. And --

10 OFFICER OROZCO: Off to the side.

11 DETECTIVE ILLIG: Okay. And were there any other
12 officers in close proximity to you when he was asking those
13 questions?

14 OFFICER OROZCO: Everyone involved.

15 DETECTIVE ILLIG: Everyone --

16 OFFICER OROZCO: He -- he asked everybody collectively.

17 DETECTIVE ILLIG: Everybody collectively.

18 DETECTIVE FARISH: Can we just clarify, too, for a
19 second, because I -- I think there might be some confusion
20 about -- so the public safety statement is usually, I
21 believe, it's nine questions. The first question is usually
22 "are you -- were you involved in an officer-involved
23 shooting?" So I think he may have asked you that, and if
24 you said "no," moved on, but I don't want to put words in
25 your mouth. Because if he went through the whole list in

1 STATE OF CALIFORNIA)
2) SS.
3 COUNTY OF LOS ANGELES)
4

5 I, Kristine Cardona, a transcriber for
6 Lynden J. And Associates, Inc., do hereby certify:

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16 In witness whereof, I have hereunto
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24 Kristine Cardona
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